

REMARKS

This application has been carefully reviewed in light of the Office Action dated January 9, 2008. Claims 1 to 22 are pending in the application, with claims 21 and 22 having been newly added therein. Claims 1, 10 and 17 to 19 are the independent claims.

Reconsideration and further examination are respectfully requested.

Claims 17 to 19 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly being directed to “single means claims”. Without conceding the correctness of the rejection, Applicants submit that the foregoing amendments to Claims 17 to 19 correct the informality of the claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Office Action contends that the phrase “possibly totally and or partially removable” renders the claim indefinite by using vague and ambiguous language. Without conceding the correctness of the rejection, the term “possibly” has been deleted from Claim 19. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 20 was rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter, and in particular for being directed to a computer program that is not implanted in a computer readable medium. Without conceding the correctness of the rejection, the claim has nonetheless been amended to clarify that it is directed to a “Computer-executable program stored on a computer-readable storage medium.” Thus, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1 to 6 and 10 to 20 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 7,136,927 (Traversat), Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) over

Traversat in view of U.S. Patent No. 7,154,621 (Rodriguez) and further in view of U.S. Publication No. 2002/0141499 (Goertzen), and Claim 9 was rejected under 35 U.S.C. § 103(a) over Traversat in view of U.S. Patent No. 6,628,843 (Eschbach) and further in view of Goertzen. Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention generally concerns allocating at least one service by a first peer to a second peer, the peers being linked by means of a computer communication network, and the first and second peers belonging respectively to a first and second group of peers adapted to share data. According to one aspect of the invention, the first peer selects a service, supplied by the first peer, according to an evaluated distance between the first and second peers.

By virtue of this arrangement, it is ordinarily possible to restrict access to content on a peer-to-peer network while ensuring a certain quality of service.

Turning to specific claim language, amended independent Claim 1 is directed to a method of allocating at least one service by a first peer to a second peer, the peers being linked by means of a computer communication network, and the first and second peers belonging respectively to a first and second group of peers adapted to share data. The method includes evaluating a distance between the first and second peers, and selecting by the first peer (E) a service supplied by the first peer (E), the service being selected according to the evaluated distance. The method further includes allocating the selected service to the second peer.

Amended independent Claims 10, 17, 18 and 19 are directed to a device, a computer, a communication network and an information storage medium substantially in accordance with the method of Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of the present invention, and, in particular, is not seen to disclose or to

suggest at least the feature of selecting by a first peer a service supplied by the first peer according to an evaluated distance between the first peer and a second peer.

As understood by Applicants, Traversat is directed to a system and method for sending, resolving, and receiving queries for information on the status of network resources. A peer computing system may include one or more resolver nodes on a network for resolving queries for a resource to particular resource instances. The resolver nodes may receive query messages from peer nodes on the network. (See Traversat, Abstract.)

Page 5 of the Office Action asserts that Traversat (column 49, lines 53 to 67) discloses selecting a service allocated by a first peer according to an evaluated distance.

In this regard, the cited portions of Traversat disclose that a resolver may receive a query message from a peer node and determine which resource instance, hosted by one or more peers on the network, is to receive the query message. The resolver determines which resource instance receives the query message using one or more of a variety of criteria, for example, the resolver may base the determination on a physical proximity of the resource instances and the peer node. (See Traversat, column 49, lines 49 to 67.) Thus, the resolver of Traversat acts as a central server and selects which of a number of resource instances will receive a query from a peer node. In contrast, in the present invention, a first peer selects whether to supply a service to a second peer according to an evaluated distance between the first and second peers, where the selecting peer supplies the service.

Therefore, Traversat is not seen to disclose or suggest the feature of selecting by a first peer a service supplied by the first peer according to an evaluated distance between the first peer and a second peer.

The remaining cited references, namely Rodriguez, Goertzen and Eschbach, are not seen to cure the deficiencies of Traversat, either alone or in any permissible combination. Accordingly, independent Claims 1, 10 and 17 to 19 are believed to be allowable.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised in the Office Action, and in view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

Finally, the previous claim count totaled 20, 2 of which were independent. The present amendment adds 2 new dependent claims and three of the previously dependent claims are now independent resulting in a new claim count of 22 with 5 independent. Therefore, a claim fee of \$520.00 is believed to be due, and the Director is hereby authorized to charge such fee to Deposit Account 50-3939. Should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire, #42,419/

Frank L. Cire

Attorney for Applicants

Registration No.: 42,419

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200